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UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **WADA, Isao, et al.**

Group Art Unit: 1624

Serial No.: 10/574,278

Examiner: **BERCH, Mark L.**

Filed: **March 31, 2006**

P.T.O. Confirmation No.: 7468

For. **PENICILLIN CRYSTALS AND PROCESS FOR PRODUCING THE SAME**

**INFORMATION DISCLOSURE STATEMENT AND
STATEMENT PURSUANT TO 37 CFR 1.97(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 4, 2008

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. One copy of each of these documents is attached. These documents were cited by an Office Action dated September 22, 2008 issued by the European Patent Office in a corresponding European patent application. A copy of the Office Action is also attached. Other documents cited by this Office action were previously submitted with Information Disclosure Statements filed on March 31, 2006 and October 12, 2007.

This Information Disclosure Statement is being submitted after issuance of a first official action on the merits and expiration of the three month period following the filing date or the entry in the national stage for the above-captioned application, but prior to issuance of either a final official action, a Notice of Allowance, or an action that otherwise closes prosecution in the application.

The undersigned hereby certifies

XX that each item of information contained in this statement was first cited in any

Serial No.: 10/574,278
Information Disclosure Statement
Filed on December 4, 2008

communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references cited in the attached Form PTO-1449 be made of record therein and appear on the first page of any patent to issue therefrom.

The Commissioner is authorized to charge Deposit Account No. 01-2340 for any fee which is deemed by the Patent and Trademark Office to be required to effect consideration of this statement.

Respectfully submitted,

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Enclosures: PTO-1449; reference (3); European Office Action